



Sous la direction de Madame Joana De Burgo

When the Family tears apart: what about Children's Rights?

An Interdisciplinary Analysis of Parental Alienation Syndrome's Effects on Children

MÉMOIRE – Orientation professionnalisante

Présenté à
l'Unité d'enseignement et de recherche en Droits de l'enfant
de l'Institut Universitaire Kurt Bösch
pour obtenir le grade de Master of Arts interdisciplinaire en droits de l'enfant

par

Claire Valérie PIGUET

de

Le Chenit, Vaud

Mémoire No

SION

Mai 2011

Abstract

The present paper depicts the controversial concept of parental alienation syndrome as being an interdisciplinary phenomenon involving the whole familial unit. More specifically, it raises concerns on children's involvement in the alienation process as actors and victims, and on their short-term coping mechanisms (e.g. cognitive dissonance, conformity and the use of drugs). Described most often as a set of manipulative and subtle techniques to turn the child against the non-custodial parent, parental alienation syndrome (known as PAS) is considered as having malevolent repercussions on the family homeostasis and, more particularly, developmental, psychological and sociological consequences on children. Major controversies surrounding PAS and alternative formulations are evoked through the paper which also refers to some very specific articles of the International Convention on the Rights of the Child (CRC) such as the child's best interest (art.3 UNCRC), his right to maintain personal relations with both parents (art.9 UNCRC) or his right to express his views and opinions (art.12 UNCRC). The paper attempts to put special emphasis on the recognition of the alienated children's suffering that deserves to be addressed, as well as the acknowledgment of their resourcefulness. Finally, trails for appropriate interventions that involve various professionals (mental health specialists, psychologists, social workers and attorneys) are mentioned.

Key words:

Alienated child

Children's rights

Interdisciplinarity

Parental alienation syndrome

Abbreviations

AP	Alienating Parent
CH	Switzerland
CRC	Children's Rights Convention
DSM	Diagnostic and Statistical Manual of Mental Disorders
ICD	International Statistical Classification of Diseases and Related Health Problems
PA	Parental Alienation
PAS	Parental Alienation Syndrome
TP	Target Parent

Table of content

Abstract

Abbreviations

<i>1. Introduction</i>	- 1 -
<i>2. Overview of PAS</i>	- 3 -
2.1 PA'S AND PAS' DEFINITIONS	- 3 -
2.2 THE CHILD IN THE THRALL TO THE ALIENATING PARENT	- 5 -
2.3 PAS DISTINCTIVE FEATURES.....	- 6 -
<i>3. Debates and controversies</i>	- 8 -
3.1 QUESTIONABLE FORMULATION	- 8 -
3.2 LACK OF ASSESSMENT TOOLS	- 9 -
3.3 JUDICIAL LEGITIMACY.....	- 10 -
3.3.1 Allegation of sexual abuse in judicial system.....	- 11 -
3.4 PSYCHOLOGICAL RECOGNITION	- 11 -
<i>4. PAS and children's rights</i>	- 13 -
4.1 ARTICLE 3 "THE CHILD'S BEST INTEREST"	- 14 -
4.2 ARTICLE 8 "THE RIGHT TO PRESERVE FAMILY RELATIONS"	- 14 -
4.3 ARTICLE 9 "THE RIGHT TO MAINTAIN PERSONAL RELATIONS WITH BOTH PARENTS"	- 14 -
4.4 ARTICLE 12 "THE RIGHT TO FREELY EXPRESS HIS VIEWS AND RECEIVE CONSIDERATION"	- 15 -
4.5 ARTICLE 16 "THE RIGHT TO BE PROTECTED FROM ANY INTERFERENCE WITH THE CHILD'S PRIVACY" ..	- 16 -
4.6 ARTICLE 18 "COMMON RESPONSIBILITIES FOR THE CHILD'S UPBRINGING"	- 16 -
<i>5. PAS' developmental, psychological and sociological implications for the child: a transdisciplinary analysis</i>	- 17 -
5.1 THE CHILD TRAPPED IN PARENTAL CONFLICTS.....	- 17 -
5.2 THE CHILD'S COPING MECHANISMS	- 18 -
5.3 SERIOUS OUTCOMES FOR THE CHILD	- 21 -
5.3.1 Weakened identity and lack of confidence in his perception.....	- 21 -
5.3.2 Victim of psychological abuse.....	- 22 -
<i>6. The child's active participation in the alienation process</i>	- 24 -
6.1 THE CHILD'S ROLE IN THE FAMILIAL HOMEOSTASIS	- 24 -
6.2 THE CHILD : A SOCIAL ACTOR.....	- 25 -
<i>7. Additional Perspectives</i>	- 27 -
7.1 THE RESOURCEFUL CHILD	- 27 -
7.2 THE RIGHT TO EXPRESS INCULCATED STORIES.....	- 28 -
7.3 MEETING THE CHILD'S NEEDS.....	- 29 -
7.4 WHAT ABOUT EVERYDAY PRACTICE?	- 30 -
7.4.1 Interventions.....	- 30 -
<i>8. Concluding remarks</i>	- 33 -
<i>9. References</i>	- 35 -

1. Introduction

In the Western world, there is a great tendency for marriage to end in divorce where up to 25% of divorce cases may be characterized by strong hostility manifested in legal conflict (Blank and Ney, 2006). While for a long time children were believed to be better off with their mother, it is nowadays acknowledged that the child's best interest is directly concerned with preservation of his bonds¹ with both parents, and that joint custody is to privilege (Gagné, Drapeau & Hénault, 2005). From the child's perspective, when the family tears apart, his world which was previously composed of two caretakers pulls apart. He becomes exposed to ongoing conflict between his parents, subject to the combative narrative of one parent or the other; as a result the child emotionally suffers and is at risk for many psychological and behavioral problems. Unsurprisingly, it is not uncommon that as the number of intense conflicting parental disputes rises, children are more at risk to be unwittingly engaged in a parent's scheme where they are unduly influenced or forced to take a side, in other words they become tools of parental alienation syndrome (Blank & Ney, 2006).

While it is widely proven that the phenomenon of a child being alienated from one parent exists, it seems to be labeled differently according to the professionals' training. Of particular interest, parental alienation syndrome (thereafter PAS) blurs boundaries between disciplines; by erupting in tense judicial climate, invoking psychological and medical definitions, shaking the private family unit's homeostasis or resulting in malevolent repercussions on children. In order to deeply examined PAS, - which stands in the middle of many disciplines, such as sociology, psychology and law - , an interdisciplinary approach is therefore essential. This interdisciplinary conception will allow us to study the various specialized visions and to grasp PAS' complexity by coordinating these different viewpoints and by their interaction in a co-constructive process.

From a practical knowledge's perspective, this paper will hopefully shed light on the resistance and controversies surrounding PAS, with particular focus on children, their undermined rights, their role in the alienation process and their suffering. The interest for such a topic partly stems from the International Social Service in Geneva, and follows the trend of

¹ In order to avoid confusion the singular term *the child* refers to both the girl and the boy. With view to remain concise, the pronouns used will be masculine, namely he, his or him.

the growing interest on children's alienation expanding among European experts, as denote the recent publications and the exponential number of divorce litigations involving children. The present paper does not have the ambition to make a stand on PAS' formulations. It will instead attempt to explore parental alienation syndrome as an interdisciplinary concept involving the whole family. In addition, the emotional, sociological and psychological prejudices of living in a constant manipulation from a loving caregiver will be presented. Admitting that from a systemic perspective, the whole familial unit is in pain, this paper's core subject is the child, on whom alienation and its consequences have tremendous impacts.

This paper, which is divided in six parts, aims at detailing first parental alienation's phenomenon various definitions (2.1) and terminologies (2.2), and at exposing the various stances about the PAS recognition (3.). Both the judicial (3.2) and psychological controversies (3.3) will therefore be presented before questioning some particular children's rights (4.) undermined by PAS. On the top of this, immediate and long-term effects of the psychological, developmental and sociological repercussions (5.) of such indoctrination will be of relevance. With the child's best interest in mind, this paper will focus on children's suffering and their varied coping mechanisms to overcome their painful predicament. Subsequently, a sociological perspective will offer insights on the child's active participation in the process (6.). At last, the child's resourcefulness and right to expression will be debated alongside with the suitability to use this term among mental health professionals, children rights experts, attorneys or any professionals working with disrupted families (7.). Future trails to correct the alienation will close the debate, followed by concluding remarks (8.).

2. Overview of PAS

In this section, some paragraphs are dedicated to the various well-diversified definitions of parental alienation and parental alienation syndrome that hopefully will offer insights on the requirements for each nomenclature. Next to the definitions, varied terminologies which refer to closely-related phenomena will be outlined before depicting PAS characteristic hallmarks, more particularly the eight symptoms defined by Gardner.

2.1 PA's and PAS' definitions

The label PAS was coined by Gardner, a Columbia University psychiatrist and specialist in children's evaluation in legal context, to describe "a diagnosable disorder in the child occurring in the context of custody dispute" for which "a parent is always to blame" (Kelly & Johnston, 2001, p.149; Blank & Ney, 2006, p.143). In psychology and medicine, the name *syndrome* is the association of detectable features and signs that are clinically recognizable and occurring together (www.wikipedia.org, 2011). In general, syndromes tend to have a range of possible etiologies and imply a specific treatment. In 1985 Gardner, one of the foremost experts on PAS, defined parental alienation as being a child's campaign of denigration against a parent that has no justification. Gardner (2003) further adds that PAS is initiated by the alienating parent but, then, self-created through the child's contributions. For the proponents of Gardner's syndrome (Darnall, Wallerstein, Blakeslee, Warshak & others), PAS is identified when "one parent turns the child against the other parent through powerful emotional manipulation techniques designed to blind the child to them at the exclusion of the other parent" (Baker, 2005, p.289). Whereas Steinberger (2006) pinpoints that alienation commonly occurs when there is a history of intense marital litigation, alienating a child may also take place in non-custodial disagreement. According to Weigel and Donovan (2006), and based on Gardner's theory (1998), PAS implies that the bond between the child and a parent is subjected to intentional and gradual denigration.

A continuing stream of researches has contributed to a more complex understanding of the alienation process, providing at the same time nuances in its definition. For instance, PAS is also formulated to be a subtle and underhand manner to interfere with visitation, which needs to be distinguished at first from parental alienation (Steinberger, 2006). Darnall

(1998) provides another distinction by depicting PAS as insisting on the child's reaction, whereas PA focuses on the alienating parent's behavior (Fidler & Bala, 2010). Related to this, Garber (2004, p.358) defines parental alienation as the "harm done to the child's security with one caregiver as a result of exposure to another caregiver's denigrating actions" which can result in "inexplicable avoidance of, resistance to or fear of the targeted attachment figure". More recently, Biolley (2010) proposes an extra delineation; PA is conceived as a diminished form of PAS given that connection with both caretakers is maintained.

From the start, Gardner (1999, 2002, 2003) has endeavored to specify that rift from a parent can arise for many reasons; various forms of abuse, neglect or strong alliance developed with one parent, and may result in refusing visitations or even contact with the other parent. Indeed, whereas estrangement occurs when children cease having relationship with a parent for justifiable reasons, alienation happens when the child's purported reasons are not sufficient to explain the cessation of contact with the parent (Steinberger, 2006).

Thus, PAS frequently results from baseless allegations aiming at preventing or massively counteracting the alienated parent and the child's relationship. These acts are developed, escalated and consolidated in the months following a difficult separation (Von-Boch Galhau & Kodjoe, 2005; Turkat, 2005). Children experiencing PAS become pliable accomplices to the alienating parent² by contributing to the campaign of rejection and resisting reconciliation with the target (Steinberger, 2006). In PAS' situation, relationships get reorganized around one sole parent, the unique authority figure; children are exploited for the AP's own interest of revenge. PAS is also referred to as a repetitive technique of programming or brainwashing the child, which is eventually accepted by the child as truth. In short, the process succeeds when the child appropriates these declarations as his own (Weigel & Donovan, 2006).

In the 1980s, statistics showed that the alienating parent in 85-90% of the time was designated as the mother. Indeed, Ellis (2001) supports that according to Wallerstein and

² Through the literature, the parent engaging in the alienation process is in turn referred to as the alienating parent (AP), "the mother", "the preferred parent" or the "custodial parent" in regard to the statistics. In order to offer a more nuanced view on the alienation process, we will preferably use the neutral term *alienating parent* or *preferred parent* which stand either for the mother or the father. We must add that the most successful alienation is perpetrated by the parent with the custody or primary care of children, but that the opposite may occur. Concerning the alienated parent, victim of the alienation, we will in turns refer to it as "the target parent" (TP), the "rejected parent" or "the alienated parent".

Kelly's study, mother-son alignments are the most common. Hence, the father, who was most often the non-custodial parent, was more likely to be the target of the alienation process. However, given the bred resistance, Gardner (2001, 2002) took a step back by alluding that the syndrome was gender neutral and that the statistics were to be considered as more balanced (Weigel & Donovan, 2006). According to Gardner (1992, 1998), the main cause that triggers the child's behavior is the strong bond and attachment that exists between a mother and her child (Gagné, Drapeau & Hénault, 2005). At this point, one may wonder what the meaning of the term alienation really is. It first etymologically means to become a stranger and hostile to someone. The alienated parent, -through the campaign of denigration initiated by the other parent - , becomes a stranger to his or her own child. The latter endures "a second alienation given that his image of the rejected parent is destroyed, *replaced* and a new negative perception of the alienating parent is *imposed*" (*emphasis added* Kelly & Johnston, 2001, p.160). The happy memories are erased and replaced by falsified lies, or unpleasant events' exaggeration. Within Bensussan' theory (2009), PAS first refers to the breaking-off of the child and one parent's relationship, and secondly evokes mental illness. As can be seen in Gagné, Drapeau and Hénault's article (2005) this conception is supported by other researchers who talk about a shared madness. The strong feelings of hate, anger, contemptuous attitudes and conviction displayed by the child when talking about the rejected parent, are so persuasive that they may destabilize any individual witnessing them.

Consequently, the fact that PA and PAS are, according to Gardner, not interchangeable has freed the way for new terminologies. This precision does not prevent authors to employ the term parental alienation instead of PAS, or to create their own formulation, in order to avoid or silence the eventual controversial debates about the name syndrome, which is still not universally respected.

2.2 The child in the thrall to the alienating parent

In this section, consideration will be given to the phenomenon's various formulations that have been formulated before or in parallel to Gardner's interest on the topic. As Bensussan (2009) hints, it is not uncommon to encounter many publications about the phenomenon of a child's strident rejection of one parent that studied the devastating consequences of high conflicting separations and divorces. What is certain is that familial rift does not date from today, but has considerably extended since the increase of divorce

litigations. Indeed, Gagné, Drapeau and Hénault quote Warshack (2001), who dates the first occurrence of parental alienation's allusion back in 1949. Then, there is Turkat's syndrome (1995) known as the *divorce-related malicious parent syndrome*. As its name indicates, it occurs in divorce environment and fight over custody, but represented a more vicious form of parental attack than PAS (Weigel & Donovan, 2006). The next alike syndrome was identified by Klass and Klass (2005) and is known as the *threatened mother syndrome*. The term is quite self-explanatory; it is not gender neutral and is manifestly directed to the mother. The distinction from PAS lies in the fact that these behaviors were more reactive and short lived, whereas PAS attitudes tend to be persistent and calculated in nature (Weigel & Donovan, 2006). The same pathological behaviors are also examined in the Medea Complex (Andreoli, 2010; Baker & Darnall, 2007).

In fact, even detractors of the concept admit that some children may become "pathologically estranged from one parent as a result of undue influence by the other parent" (Baker & Darnall, 2007, p.58). Long before, but worth mentioning, Palazzoli introduced in 1979 the term *instigation* in family therapy that stood for the various relevant roles played in the family dynamic. She explains this crucial metaphor as referring to a "maelstrom of communication behaviors" a tactic that is brought into play by one parent displaying disguised preference for the child (Knapp, 1997, p.14). Her conception of each family member as part of the whole family unit, from which emerges various dynamics, deserves additional attention and will be explored in section 6.1.

2.3 PAS distinctive features

In this section some PAS' characteristics are intended to be listed with an aim to focus on children manifestations. To begin with, it should be specified that discrepancies in defining PAS exist, and this paper's aim is not to provide an exhaustive list but rather to render this phenomenon fathomable under its relative complexity. Right from the start, the preferred parent either incorrectly concludes that the other parent has erred in some significant way, or is pushed to take revenge (Fidler & Bala, 2010). What follows is a campaign of denigration and vilification against the rejected parent, which is likely to occur in very subtle ways. It can be further described as a spreading form of sabotage of the child and the targeted parent's relationship (Weigel & Johnston, 2001). Various attitudes are employed to devalue or belittle the other parent. Indeed, PAS might be expressed through: manipulation of the child's

memories, despising or devaluing the other parent's attitudes or saying, exaggerating every injustice. Additionally, it is not uncommon that the rejected parent is unfairly denigrated in front of the child while unable to defend himself from the exaggeration of his or her personality or parenting flaws (Kelly & Johnston, 2001; Turkat, 2005). The AP's mission is obviously to blot out the part of the rejected parent in the child's identity, alongside with happy memories or signs of affection and love.

Based on more than 40 years of work as a forensic and child psychiatrist, Gardner has identified a total of eight symptoms that focus on the child's behaviors. This cluster of diagnostic criteria, which would allow any professionals to distinguish PAS from any other form of rejection³, will be briefly exposed (Bensussan, 2009). There are described, by Gardner (2002) as followed:

1. a campaign of denigration
2. weak, absurd, or frivolous rationalization for the deprecation
3. lack of ambivalence
4. the "Independent- thinker" phenomenon
5. reflexive support of the alienating parent in the parental conflict
6. absence of guilt over cruelty to and/or exploitation of the alienated parent
7. the presence of borrowed scenarios
8. spread of animosity to the friends and/or extended family of the alienated parent.

The above-mentioned criteria will be in turns developed or given more emphasis throughout the paper. For a start, the aspect relating to the alienated child's absence of guilt will be outlined. The fact that the child's negative views and feelings are to great extent distorted and exaggerated, and followed by a total absence of guilt or remorse toward the lost parent's feelings, is very disconcerting (Cartwright, 1993). Of particular relevance, little if any ambivalence is expressed, rather an automatic and idealized support is displayed toward the alienating parent. It is this growing emotional gap between family members, and more specifically the child's disproportionate hostile response to the rejected parent, which are considered as pathological and unusual (Steinberger, 2006).

³ See appendix A for additional information concerning the detection of PAS.

3. Debates and controversies

Although since the two last decades considerable attention was given to the alienation of a child following separation or divorce, many authors (Ellis, 2001; Gardner, 2002; Kelly & Johnston, 2001) have highlighted considerable legal, psychological and media-based controversies concerning PAS in recent years. Some even continue to contest PAS' very existence or drastically reduce its severity, impact or duration (Kelly, 2010). Rueda (2004) pinpoints that it is the whole conception of PAS as a syndrome and as a valid concept in general that is called into question. According to Warshak (Gagné, Drapeau & Hénault, 2005), controversies have emerged because this syndrome is without discrimination applied to all children who are rejecting a parent, and is conceived as infancy pathology. In this section, it will be demonstrated that the lack of consensus on a unique definition renders unlikely not only an agreement on the judicial legitimacy, but also on the psychological recognition. In the first place, some alternatives to Gardner's coined term that might give additional perspective on the phenomenon will be presented.

3.1 *Questionable formulation*

Prognoses and diagnoses of PAS are so diverse and to some extent confusing, that it appears relevant to introduce and maybe consider in this section some suggestions or alternatives. Additionally to the eight touchstones, Gardner also suggested three different types of PAS; mild, moderate and severe types. Baker and Darnall (2007) clearly explain that children may manifest from four to eight above- listed behaviors depending on the severity of the alienation, which together compose the syndrome of parental alienation. Nevertheless, in their 2006 survey concerning 68 valid participants, the same researchers (2007) concluded that variability in the frequency of the eight symptoms occurs even with the most severely alienated child. In extremely severe case, the relationship between the alienated child and the rejected parent is significantly compromised if not completely destroyed (Weigel & Donovan, 2006).

In addition to unpredictable variability in the eight symptoms' frequency, Kelly and Johnston (2001) allude to the lack of empirical support for PAS as a diagnosis entity, and criticize Gardner's focus on the alienating parent as the etiological agent responsible of the

child's alienation, rather than on the child himself. For instance, Bensussan's proposal (2009) is to preserve the term PAS for severe cases and to borrow the naming parental disaffection⁴ for moderate and mild cases. Given the heated debates about the naming *syndrome*, Kelly and Johnston (2001) have proposed a reformulation of parental alienation which puts emphasis on the child independently of the cause (the alienating parent) with the new formula *alienated child*. Blank and Ney (2006) hint that both searchers profitably take into account the role of context and numerous contributing factors. On the other hand, Hayez and Kinoo (2005) abandon both alienation and syndrome, and choose a term that encompasses the general difficulty encountered during the child's shared custody, including exchange of information or visitation's interference⁵.

To O'Leary and Moerk's opinion, Gardner's reasoning might become detrimental for conflicting family's children who do really suffer from abuse (Gagné, Drapeau & Hénault, 2005). In response to these authors' statement, Gardner has made it clear that designation of PAS is inappropriate in cases where abuse is real (Cartwright, 1993). Although the exact number of cases concerning different types of parental alienation is unknown, it should be highlighted that more and more couples present custody rivalry anger or revenge rather than real alienation (Hayez & Kinoo, 2005). It should also be borne in mind that, for the current moment, no reliable official numbers on the prevalence of alienation exist and that not every child experiencing alienating behaviors becomes alienated (Fidler & Bala, 2010).

3.2 *Lack of assessment tools*

Another aspect triggering off debates concerns the lack of reliable and valid assessment instrument to measure the alienation behavior's existence (Gagné, Drapeau & Hénault, 2005). Firstly, many researchers raised a certain lack of clarity concerning the relationship between eight distinguishable signs identified by Gardner and the general construct of PAS (Baker & Darnall, 2007). Here again, what remains problematic is the number of criteria required for diagnosing parental alienation, which is *not* specified (*emphasis added*, Van Gijseghem, 2005). Although PAS is considered as a grouping of repetitive and recognizable signs and symptoms that frequently occur together, no explanation

⁴ "Désaffection parentale" is the term proposed by Bensussan (2009, p. 412) in *Parental alienation: Towards the end of the denial?*.

⁵ Hayez and Kinoo (2005, p. 158) employ the name "cas de difficulté de circulation d'enfant" in *Aliénation parentale: un concept à haut risque*.

is given on the cause, prognosis, and treatment of the alienated behaviors (Kelly & Johnston, 2001).

In fact, the scientific validity and the diagnosis' fidelity are questioned by many researchers who support that the stability of the diagnosis through time and from evaluator to the other can not be certified (Gagné, Drapeau & Hénault, 2005; Van Gisjeghem, 2005). A common source of contention regarding the parental alienation phenomenon is the use of the term syndrome. Nonetheless, Gardner firmly asserts that this term is fully appropriate as it implies a cluster of recognizable symptoms (Van Gijseghem, 2005; Weigel & Donovan, 2006). As a result, this lack of consensus regarding diagnostic and assessment tools request from professionals to thoroughly analyze or interpret each specific family dynamic (Baker & Andre, 2008). Only then would mental health professionals be able to distinguish between estrangement and rejection resulting from parental alienation.

3.3 Judicial legitimacy

The question to know whether PAS is taken seriously among attorneys and judges is arduous to address. Some retort that since PAS is not recognized as a valid concept, it has no legitimacy in Court. It seems common that given the debate over PAS within the mental health system, it deters many people from presenting this issue in court (Rueda, 2004). On the 31 January 2001, however, PAS gained legal recognition by satisfying the Frye test⁶ criteria for admissibility in a court of law (Weigel & Donovan, 2006). But, it is only in 2006 that PAS was used for the first time in the European Human Rights' Court ruling and visitation right's impediment was said to have been caused by the alienating mother⁷. Worthy of attention, PAS slowly gains ground; according to Rueda (2004) PAS is recognized in Australia, the United Kingdom, the Netherlands, Germany, and the United States, -where 21 States Gardner' syndrome is admissible-. In response to the admissibility question, Gardner (2003) gathered legal citations which indicate that courts in Canada and Switzerland have recognized PAS. Nonetheless, it would be too ambitious to mention and confirm every nuance of PAS' acceptability. As for Switzerland is concerned, the mother and father have the duty to preserve healthy relationship between the child and the non-custodial parent. However, the

⁶ Weigel & Donovan (2006, p.275) refer to Rueda for the Frye test's definition: standard by which a court determines whether or not a scientific contribution has gained satisfactory acceptance within the scientific community.

⁷ See appendix B for an extract of the judicial decision.

Swiss law does not provide any legal sanction when disrespect of visitation rights occurs. According to the literature examined, PAS is likely to go unpunished.

3.3.1 Allegation of sexual abuse in judicial system

To start with, the historical and controversial link between PAS and false allegation of sexual abuse can not be denied. Gardner himself supported that the fabricated sex-abuse allegations may be one manifestation of (PAS) disorder, but he subsequently insisted that when real abuse is concerned, PAS could not be applied. The debatable issue is to determine when sexual abuse has occurred for sure and when the allegations are false. While PAS implies to be wary of the child's words, - which may concern some inappropriate sexual behaviors - , any allegation of sexual abuse needs to be addresses with particular care. Sexual assault within a family seems to have always existed, but it is in the 1970s that visibility of these sexual abuses on children was uncovered (Ellis, 2001). Not surprisingly, in divorce cases involving PAS, court systems are charged with false allegations of physical and sexual abuse which renders the cases' examination delicate (Waldron & Joanis, 1996). Emphasis should be put on what Fidler and Bala (2010, p.11) insightfully noted: "there are abused children and alienated children", one does not include the other. Moreover, it should be stressed that the alienation's existence is not identical to a denial of child abuse or intimate partner violence (Fidler & Bala, 2010). Both authors (2010) appropriately conclude that the challenge is be to properly grasp the dynamics of an individual family involving allegations of alienation.

3.4 Psychological recognition

Variations in the way the alienated child's phenomenon is described also stem from which disciplines it is analyzed. In this section, the debates surrounding PA as a syndrome with reference made to the *DSM IV*⁸ will briefly be exposed. While Baker and Andre (2008) admit that recognition of parental alienation is a critical first step, appreciation of the term as a diagnosable entity breeds resistance. And yet Gardner (2003) argues that in more than 100 peer-reviewed articles by approximately 150 authors, PAS is recognized, it does not seem

⁸ DSM IV stands for *Diagnostic and Statistical Manual of Mental Disorders*, revised version number 4.

sufficient to tone down the controversial debates about its legitimacy. The relatively recent delineation of PAS explains its exclusion in the *DSM IV*, elaborated in 1994, which lacks of a specific category for diagnosing PAS (Weigel & Donovan, 2006). Nonetheless, Gardner among others (1999, 2002, 2003; Fidler & Bala 2010) has made allusion to the PAS possible inclusion in the *DSM V* which is programmed for publication in 2012 or 2013. As observed in the *DSM IV*, PA has also little weight as a syndrome in the second biggest manual for disorders' classification; *ICD-10*⁹.

Briefly put, the requirements for being included in any of the manuals are very stringent; new clinical entities require many years of research and numerous publications (Gardner, 2003). However, Gardner (2003) explains that among the available diagnoses already existing in the *DSM IV* none are similar to PAS. Nevertheless, they introduce psychiatric diagnoses that may apply to PAS alienators. Van Gijseghem (2005) develops further this idea; according to him, opponents invoke that many dysfunctions described in *DSM IV* implicitly entail PAS. But, for the current moment, no entry in the *DSM IV* covers the PAS' specificity. This manual, which is exclusively responsible for naming and classifying psychiatric and psychological behaviors, might very well also “serve and be supported by the [...] powerful legal discourse” (Blank & Ney, 2006, p.140). But here again views diverge from each other. One particularly important point is that any publication of *DSM* versions had and still has a tremendous impact on clinical practice as well as on medical formation. Although clarification and recognition would be fully reached if PAS is included in the manual, categorizing PAS would request clear delineation of a fixed number of symptoms, which might not be so distinctly identified. For this present paper, the above-outlined controversies will be set apart and focus is reestablished on suffering children in the next sections.

⁹ ICD stand for the International Statistical Classification of Diseases and Related Health Problems, 10th revised version which codifies more than 14'000 diseases, signs, symptoms, abnormal findings, complaints, social circumstances and external causes of injury or diseases. This classification is published by the World Health Organization.

4. PAS and children's rights

To socially and psychologically turn a child away from a parent is considered to have serious impacts on children, and involves violation of some of their very rights. In this section no consideration will be given to parental rights, rather some articles of the International Convention on the Rights of the Child (thereafter CRC) will be listed, and PAS' impediment to some specific children's rights discussed.

The International Convention on the Rights of the Child¹⁰ was adopted by the United Nations on the 20th of November 1989. Since then this legally-binding text has been the most ratified treaty in the history of the United Nations¹¹. All members of the United Nations, except Somalia and the United States of America, have now the "obligation to ensure that their domestic law and other relevant administrative arrangements satisfy the Convention's requirements" (Briefings in medical ethics, 1991, p.1). This landmark for human rights in general and children's rights in particular, set minimum standards for the protection of *all* children, and does not only guarantee civil and political rights, but also economic, social and cultural ones (www.amnestyusa.org). Since more than twenty years, the CRC has sought to raise awareness on children's lot worldwide, and to promote respect for the general human rights and freedom alongside with some specific new provision, protection and participation rights children are endowed.

To start with, in the CRC's preamble it is stated that the family is considered as the "fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children". The CRC also reaffirms that childhood "is entitled to special care and assistance" (1989, UNCRC). Then, this treaty recognizes that the child, for the full and harmonious development of his personality, should grow in a family environment, in an atmosphere of happiness, love and understanding. Related to this, it is important to note that the CRC also sets limits to abusive or detrimental parenting, which is particularly important in brainwashing and programming cases. Obviously, PAS has a direct impact on this conception and prevents the child from having such a harmonious familial environment.

¹⁰ The CRC was signed by Switzerland on 1st May 1991, then ratified in 1997 and entered into force on 26th March 1997.

¹¹ Somalia and the United States of America still miss on the list.

Attention will be engaged on specific CRC's articles and it will be demonstrated how PAS fails to honor various children's rights.

4.1 Article 3 "The child's best interest"

At first, CRC's article 3 needs to be taken into consideration. It states that in all actions concerning children their best interest shall be the primary consideration. Besides, states parties have the duty to ensure their best interest and to take all appropriate measures if needed. The child's best interest requests for a start, to maintain an unconditionally positive relationship with both caregivers (Blank & Ney, 2006). It appears flagrant that the alienating parent does not take due consideration of the child's best interest when initiating the denigration campaign and threatening the positive connection with the other. Besides, it is not in the child's best interest to symbolically and psychologically avert one parent. In addition to keeping away one parent for whatever reasons except abuse and neglect, the alienating parent is breaking the bond that united the child to the other parental figure. Baker and Andre (2008) allude to the fact that AP is not aware that the child has its own independent needs.

4.2 Article 8 "The right to preserve family relations"

This CRC's article is of relevance when PAS occurs. Indeed it declares that "States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and *family relations* as recognized by law without unlawful interference" (*emphasis added*, 1989, UNCRC). The AP's interference with the rejected parent - child relationship impedes this preservation of familial bonds. In a sense, it deprives the child from parts of his identity, given that one parent is firmly physically and emotionally kept away.

4.3 Article 9 "The right to maintain personal relations with both parents"

It is alluded to that States parties "shall ensure that a child shall not be separated from his or her parents against their will [...]" however, with PAS, the seeming child's will (induced by the alienating parent) is to reject contact and visitation with the other parent without valid justification (1989, UNCRC). Generally, the mother denies the opportunity for her child to stay in contact with the father and does not consider the child's fundamental need and *right* to have a healthy relationship with both parents. Nonetheless, indent 3 clearly states

that “States Parties shall respect the right of the child who is separated from one or both parents to *maintain personal relations* and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests” (1989, UNCRC).

Of particular relevance, it should be highlighted that the alienating parent does not only impede preservation of personal relations, but strives to destroy past memories in the same process. The AP’s mission is completed when the whole image of the lost parent is rejected. But what happens when the child strongly maintain that it is his full decision to refuse contact or visitation from the rejected parent? And that the poor reasons claimed are considered by the child sufficient to explain rejection? Even if they denote some incoherence, professionals are likely to listen to the child’s saying without pointing at this well-disguised performance.

4.4 Article 12 “The right to freely express his views and receive consideration”

This right is often referred to as the most spectacular innovation of the CRC. The child is given a voice, and adults have the duty to listen and give due consideration to what is expressed. Nonetheless, with what has been mentioned above, this article (1989, UNCRC) requires particular handling. It asserts that “States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.”

In the CRC, it is widely promoted that the child’s words deserves consideration. In contrast, Gardner (2002, 2003) asserts that the alienated child will employ some borrowed scenarios, or even creates his proper lies about the rejected parent. What appears as the child’s views might therefore be influenced, manipulated or exaggerated by the environment he lives in, namely induced by the alienating parent. This element requests to analyze stories uttered about the lost parent under a critical eye, with knowledge that some signs of alienation might be hidden. Are alienated children capable of forming their own independent views? Do they still possess their right to express their views when dissociation from the AP’s vision of reality is arduous? These questions will be further developed in section 7.2.

4.5 Article 16 “The right to be protected from any interference with the child’s privacy”

Additionally, it is found in the CRC that no child shall be subjected to arbitrary or unlawful interference with his privacy, family, or correspondence, nor to unlawful attacks on his honour and reputation (1989, UNCRC). When PAS occurs, interference with the child’s family happens from within the family. Indeed, relations with the alienated parent are prevented by the other parent, which leads to a very sensitive situation, hard to spot from outside. When the unusual family dynamic is noticed by external individuals, the AP firmly supports that it is the child’s own desire to cease having connection with his parent and to reject his visitation rights. After having programmed the child to reject the other parental figure, the campaign of vilification persists without any evident encouragement from the mother.

4.6 Article 18 “Common responsibilities for the child’s upbringing”

Article 18, which is the last article that is examined, focuses on both parents as primary caregivers: “States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child” (1989, UNCRC). Moreover, State parties should “render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities”. As observed above, the CRC values the principle of two parents taking care of and commonly raising the child. Such a principle should be maintained after the couple’s separation, so that the general well-being of children is not affected.

5. PAS' developmental, psychological and sociological implications for the child: a transdisciplinary analysis

Constantly overlapping, psychology and sociology are addressed here together. The disciplines' barriers are becoming so flexible that it can be referred to as transdisciplinarity. Transdisciplinarity is a global vision that reorganizes knowledge in a co-constructive way by crossing various disciplines (Darbellay, 2005). While the judicial discipline offers a black and white picture on the adversarial opposition "right or wrong", sociology as a discipline proposes to consider the family unit as a whole, as well as part of the broader social system. Complex variables at stake in PAS followed by their short and long-term impacts on children are of relevance in this section.

5.1 The child trapped in parental conflicts

At first, it should be stressed that one major stressor for children is their parents' never-ending conflicts that follow separation and divorce, predominantly because of their little emotional preparation for their parent's separation (Emery, 1982; Johnston, 1994; Johnston & Rosbey, 1997 in Kelly & Emery, 2003; Poussin & Martin-Lebrun, 1997). PAS' effects on the child are never benign, and as Waldron and Joanis (1996) explain, the degree of the alienation's severity will depend not only on the amount of time spend with the AP, the child's age, but also on people supporting the child, and the degree to which the child is a convinced accomplice in the disillusion. One main element to take into serious consideration is the child's age when experiencing parental alienation. It is argued that between 9 and 12 years old the child is specifically vulnerable to parental alienation. Indeed children at that age lack of critical distance, and might easily be caught in a loyalty conflict (Gagné, Drapeau & Hénault, 2005). According to Steinberger (2006), the child's long-term development and well-being will be impacted by the estrangement.

PAS has also a direct effect on children's role in the family. Ellis (2001, p.232) asserts that the child may maintain "a parental attitude of concern, sympathy, and protectiveness toward the alienating parent". Moreover, Kelly (2010) argues that the child may understand that persistent fidelity is primordial for the AP's ongoing love and nurturance. This predominant role the child has to play and the isolation of the alienating parent and the child reinforces the child's dependence on this unique parental figure. Therefore, it might be

asserted that the original dyad (spouse-spouse) could change itself into spouse-child when severe alienation occurs.

As anticipated from a qualitative study including 38 adults who were subjected to parental alienation as children, Baker (2005) proves that participants reported feeling of diminished self-esteem accompanied by self-hatred, self-blaming, and depression. That said, most of them “were denied the opportunity to appropriately mourn the loss of their connection” with the absent parent (Weigel & Donovan, 2006, p.279). In some cases, when parental love was lacking, the child would assume himself rather than his parent to be responsible (Baker, 2005). On top of that, it is acknowledged that immediate negative effects of parental alienation include self-loathing, guilt, distortion of reality testing, fears of rejection, general emotional and psychological problems (Baker, 2005; Cartwright, 1993; Waldron & Joanis, 1996). Additionally, the child’s own perception and feelings may be called into question, and coupled with “illogical cognitive operations and simplistic and rigid information processing, pseudo maturity, gender-identity problems, poor differentiation of self, aggression and conduct disorder, as well as lack of remorse” (Fidler & Bala, 2010, p. 21).

On a long-term basis, Delfieu (2005) hints that if the absence of one parent makes the child feel insecure concerning his role’s development, the child might later encounter communication problems with people from the same or opposite sexes. Across Weigel and Donovan’s study (2006), perpetuation of PAS with their own children was identified among a significant number of participants. It is worth noting that children might repress their own emotions in order to cope with their parents’ ongoing conflict; they might never verbalize their feelings (Steinberger, 2006). Or instead, alongside with Gardner’s modernist thinking; of this oppositional good / bad model, the child might consider his own complex feelings to be underrated (Blank and Ney, 2006). At last, Fidler and Bala (2010) insightfully demonstrate that alienated children may encounter emotional distress and adjustment difficulties.

5.2 The child’s coping mechanisms

In this subsection, the focus is put on some of various coping mechanisms children may employ to remain in concordance with their beliefs and actions: namely conformity, cognitive dissonance and the use of drugs.

Caught in adults' intense marital conflicts, the child is torn between two parental figures, pressured to take sides, taken as a confidant, in a very close proximity but, at the same time, exposed to incessant parental denigration (Kelly & Johnston, 2001). In some circumstances, realization of the actual alienation process could eventually happen; the child could feel guilty of his own lack of objectivity. Despite this realization and by *cautious conformity*, the child may continue denigrating the rejected parent while feeling secretly guilty of his attitudes (Hayez & Kinoo, 2005). Subsequently, it is argued that the AP is not only loved but feared and that some children might be aware of the uttered exaggerations and lies (Gagné, Drapeau & Hénault, 2005). Alternatively children might also express some sadness and preoccupation since they may have naturally concluded that the alienated parent hated them as well (Hayez & Kinoo, 2005; Baker, 2005).

Some other scenarios might occur. The child could, in the first place, demonstrate a strong alliance and affective closeness¹² with the guardian parent in order to wrestle the targeted parent (Hayez & Kinoo, 2005). Subsequently, during adolescence researchers denote the use of similar attitudes of hatred, disrespect, violence and insubordination against the guardian parent, while still refusing contact with the rejected parent (Hayez & Kinoo, 2005). Producing feeling of hatred and of denigration is a way of coping with the situation the child lives in. It is a way to remain active when the situation gets out of hand.

Soon the child ascertains that it is impossible to express love for both parents, but that his loyal behavior is rewarded by the AP (Fidler & Bala, 2010). It should be stressed that the child always looks for approbation, and models himself on his father's or mother's deep aspirations (Biolley, 2010). The child thus appreciates the parents' expectations, even when they are not expressed, and wishes to prove his loyalty to them. When the couple tears apart and PAS occurs, loyalty takes a new intense dimension. Subject to persistent flow of contradictory information or confusing statements, the child soon feels the pressure of a motivational drive which seeks to reduce or remove uncomfortable feelings caused by holding conflicting ideas (Bem, 1967). This healthy reaction which reduces discordance and strives for the child's mental health to remain intact is known as *cognitive dissonance* (Fidler & Bala, 2010). This mechanism mainly alters one of the two dissonant cognitions; what the AP tells

¹² Hayez and Kinoo (2005, p.162) refer to the naming « grande proximité affective » to talk about the AP and the alienated child's strategy to fight together against the target parent.

the child about the rejected parent, and the child's own experiences with and memories of that rejected parent. It further compels the child to take a side in order to reduce ambivalence and confusion (Ellis, 2001).

The child, as any individual, tries to make sense out of his beliefs, environment and behaviors, but at the same time feels inexorably drawn into the marital conflict (Aronson, 1997). His effective way to reduce dissonance between two conceptions of one parent is to convince himself that what is said is more true than his initial belief (Aronson, 1997). It is suggested that most individuals strive for three things; to "preserve a consistent, stable, predictable sense of self", to maintain a "competent sense of the self" and at last to "preserve a morally good sense of the self" (Aronson, 1997, p.131). If the alienated child or the adolescent thinks of himself as a decent or clever kid, and is conscious of the unjustified malevolent allegations uttered, this morally good sense of the self is damaged. When dissonance is experienced, the individual, in our case the alienated child, will try to justify his new belief through attitudes that will confirm the choice made. Indeed, Ellis (2001, p.215) acknowledges "the experience of maintaining loyalties to both warring parties, while being developmentally able to see both points of view, created a level of cognitive dissonance that is unbearable for the children". The pressure on alienated children is so tense that they act as if they have become completely amnesic for positive and enjoyable memories with the TP (Gardner, 2002). It is then likely that it will lead to severe personality disorders. These children might thus, ally more tightly with the alienating parent and remove the other parent from their memories with hope that it will ease the pain endured.

Ellis (2001) and Steinberger (2006) point to another significant element; it is the rigid delineation of an *all good* parent whose negative traits are denied, and of an *all bad* target parent, a mechanism frequently used by alienated children. This reasoning may become "fixed and inflexible and persist without the AP's visible involvement" (Fidler & Bala, 2010, p.19). Since the AP is believed to be the victim with aching heart of the couple's separation, the child eventually identifies with this parental figure (Biolley, 2010). With regard to this distorted vision interpreted according to this schism victim-culprit, Biolley (2010) denounces the AP's trickery. In this respect, the child shows no evidence of willingness or attempts to be impartial when faced with inter-parental conflicts (Baker & Andre, 2008).

In other words, the child who suffers from loyalty conflict is manifestly choosing a way to get out of a predicament by imagining that there is a good and a bad parent and by acting regarding these thoughts (Hayez & Kinoo, 2005). Some support that this inextricable loyalty conflict is directly accountable for eventual pathological progression (Johnston & Roseby in Fidler & Bala, 2010). That is to say that alienated children lack of ambivalence in order to remain consistent in their choices and to solve the inevitable conflict of loyalty they were previously in (Cartwright, 1993). Bensussan (2009) goes further by stating that the term *loyalty conflict* is inappropriate because it does not depict this *unfailing loyalty* which leads, in most cases, the mother to tighten her bonds with her children. Children are subsequently at risk to play the role of defense against solitude, and of revenge against the hated ex-husband. Finally, child's predicament is so tense that in adolescence, the use of drugs and alcohol is not uncommon. In fact, Weigel and Donovan (2006) describe them as a coping mechanism for the emotional pain endured that may offer a way to get out of the painful feelings arising from loss and parental conflict.

5.3 Serious outcomes for the child

Although children may employ coping mechanisms which give a semblance of stability, there are malevolent and intense PAS impacts on them which deserve due consideration. In 1993 already, Cartwright alluded to the fact that there were - and are still - some gaps in our understanding of what happens to the victims of PAS. Some repercussions due to PAS on children are displayed in this section.

5.3.1 Weakened identity and lack of confidence in his perception

The construction of the child's identity and the eventual PAS consequences are particular points to be discussed. In this respect, it needs to be underlined that children are dragged into conflicting situation, a path that was imposed on them rather than chosen (Biolley, 2010). It is argued that children develop identity and self-concept through a process of identification to both parents, that starts very early in their lives (Waldron & Joanis, 1996). Stability in the child's development is also considered a critical aspect in the process of developing a sense of identity (Cartwright, 1993). Under PAS indoctrination, this stability is not reached. Instead, the child learns to honor others' expectations, and will consequently not

be able to develop a clear-cut individuality, nor his autonomy (Von Boch-Galhau & Kodjoe, 2005). Since the child has always been acting according to the AP's desires, it seems probable that he will not be able to express an independent will.

As alluded to, forming an exclusive alliance with one parent may eventually reduce the dissonance, and may at the same time enable the child to form a more integrated and coherent identity (Ellis, 2001). Nevertheless, the false allegations uttered concerning the lost parent may shatter the child's confidence in his own perception (Delfieu, 2005). By appropriating distorted allegations from the AP, PAS opens onto a systematic incoherent confusion of discernment of himself and of others, which results in the child's shaken and fragile identity (Delfieu, 2005; Von Boch-Galhau & Kodjoe, 2005).

One must bear in mind that the child is well aware to carry in himself elements of both parents. To be dully encouraged to reject one caregiver might therefore signify to psychologically cut a fragment of his personality (Delfieu, 2005). Baker and Andre (2008) insightfully notice that if it is unsafe to identify with the rejected parent, the child may therefore consider losing some part of the self-identity. Not only disqualification, but discrediting the rejected parent through remarks or comments distorts the child's own perception of himself; as a result the child might want at any cost to change traits or physical resemblance he bears to the target parent. Of particular interest, the adult participants in Baker's research (2006) expressed a lack of belonging and a dominant feeling of loss.

5.3.2 Victim of psychological abuse

In this section, the alienating parent's role in the indoctrination as well as the trauma inflicted on the child will be studied. From the beginning, it seems to have been immediately presumed that parental alienation results from the influence exerted by the AP (Van Gijseghem, 2005). Indeed, many mental health professionals formulated that there is in PAS a cause and effect relationship between the alienating parent and the child (Bensussan, 2009; Blank & Ney, 2006; Gardner, 2002, 2003; Van Gijseghem, 2005). These ideas are consistent with Blank and Ney's argument (2006, p.139) which postulates that Gardner regarded the child's rejection as caused by a brainwashing parent. Additional dissensions were expressed about Gardner's controversial focus on the cause and the perpetrator of the campaign, who he

considered to be only the AP, rather than on the child. With the systemic perspective, it will be acknowledged that every member of the family involved in the alienation process has a role to play.

Besides, it is suggested that PAS is a “two layered emotional abuse” phenomenon (Weigel & Donovan 2006, p.280). This conception is of the utmost relevance, given that the trauma inflicted on the child is serious and deserves consideration. It is often portrayed as an emotional abuse in the way that it “erodes the child’s confidence in and love for the rejected parent and to create intolerable confusion” as well as results in “progressive attenuation of the psychological bond between the child and a loving parent” (Kelly & Johnston, 2001, p.257; Gardner, 2003, p.2). This needs to be emphasized; the relationship between the alienated parent and the child is wittingly ruined by the other parental figure, resulting in the child’s privation from love, protection and affection from the alienated parent. As initially articulated mental health professionals have recognized that parental alienation is a form of child cruelty and abuse, where the mother’s strategy is to emotionally neglect her child by alienating him (Steinberger, 2006). According to Biolley (2010, p.160), the parent who perverts the alienating parent’s image, acts like a “child abductor”. Similarly, Von Boch-Galhau and Kodjoe (2005) acknowledge that inducing PAS to a child is equivalent to heavy psychic or narcissistic abuse. Children who are raised by one parent and who experience loss of one, have according to Waldron and Joanis (1996, p.129) “lower academic performance; increased chance of psychological disturbance [...] cognitive deficiencies; higher impulse –control problems and school adjustment problems”. Furthermore, it is proven that the child, who has a dependent and enmeshed relationship with the AP, might often experience separation anxiety with significant repercussions on a long-term basis (Ellis, 2001). To properly address this issue, PAS repercussions must be taken into account and recognized by the medical community as being cruel and detrimental to children.

6. The child's active participation in the alienation process

At this point, it seems necessary to restate that the alienated child needs to be viewed as a full member of a family unit and as an engaged social actor. On this particular point systemic theory will be of interest with view to analyze the family dynamic under a new perspective. Aligned to this, the interrelated roles of each family member and the dynamics at stake will be underlined.

6.1 The child's role in the familial homeostasis

In this section, particular emphasis will be put on Palazzoli's conception of families. Her Milan School has deeply studied family games and widely published about the family intrigue. Palazzoli and colleagues are convinced that the behavior of one particular member of the family is strongly linked to a "game" (the moves and countermoves) employed by the family members with view to gain or maintain an individually favorite position (Knapp, 1997; Selvini-Palazzoli, 1990). In order to discover this Familial Game, attention must be drawn to each family member and individuals in contact with others (Selvini-Palazzoli, 1990).

The systemic theory asserts that the diverse actors participating in parental alienation have interconnected roles and that behaviors of a family member are in line with the broader social and cultural context which evolves through time (Gagné, Drapeau & Hénault, 2005). Family is viewed as a co-evolutionary ecosystem where the individual, the family, and the social environment "represent a complex, close-knit, three-tiered feedback system" (Churchman & Bateson in Knapp, 1997, p.3). Following Knapp's idea (1997) stating that every member is affected by any change, a matter which concerns exclusively the marital systems may provoke extreme repercussions on the whole familial system, from which children suffer. Knapp (1997) further develops that within the family system, the family members determine the conditions for the others' development. From a general standpoint, it is commonly accepted that relationship between husbands and wives must not have direct or painful repercussions on children: conversely, with PAS it is the case. Indeed, many background factors may affect the child in the intense marital conflict, but the child's responses are affecting many of these variables in a systemic feedback loop (Kelly & Johnston, 2001).

Whereas the parents' boundaries from children is usually clearly separated by sexuality and responsibility, the maintenance of boundaries between the family subsystems may differ, or become blurred, especially when PAS occurs (Knapp, 1997). Indeed, as Gagné, Drapeau and Hénault (2005) highlight, parental alienation can be seen as an extension of the marital conflict to the child. In PAS situation, there is an undeniable confusion concerning the child's place. The intergenerational difference among adults and children is abolished: the child is unwittingly empowered and considered as a grown-up. In such a case, it has been seen that the child is not only used as a revenge against the other parent, but is unwittingly asked to take the absent parent's role - by comforting, witnessing, listening -. For that matter, Kelly and Emery (2003) give rise to the possibility that some alienated children and adolescents become the unique emotional and available support for their needy parents.

Because of the child's newly assigned role, it is plausible to state that the child is at great risk to become parentified (Gagné, Drapeau & Hénault, 2005). As it has been already mentioned, the child's parentified role consists in his sincere wish to support or be responsible with the siblings or parents (Biolley, 2010). Because the alienating parent presents him or herself as a victim, the child demonstrates a deep empathy for him or her. Then, it is not uncommon to see the AP's needs prevailing over the child's, who quickly learns to deny his feelings and to appear pseudo-responsible for his new task. Nevertheless, this new assigned role enables the child to ease his feeling of guilt and powerlessness he experiences in the midst of parental hostility, and may be perceived as another way to cope with the situation (Biolley, 2010).

6.2 The child : a social actor

As Weigel and Donovan (2006) allude to, the first and foremost victim of vengeful and destructive actions is the child who becomes the exploited voice of the alienation process. Other researchers highlight that the child, as an active actor in the parental alienation process, might well be partly responsible for and take advantage of the parental conflict through manipulation (Rand, in Gagné, Drapeau & Hénault, 2005). Van Gijseghem (2008) develops further by stating that the child virtually takes the power over both of his parents; by rejecting one and forming an alliance with the other.

Hayez and Kinoo (2005) affirm that the child produces his own personal opinions and thoughts, and must be considered as a valid interlocutor. Indeed, after a while the alienated child becomes active and starts producing heavily influenced discourses, what Gardner called “borrowed-scenarios”. Mental health specialists agree that the extent to which the child is influenced or programmed by the other parent, triggers reactions to further create borrowed scenarios. With regard to Mead’s reasoning, the child becomes a reflective being as soon as his own free will appears distinct from his parents (Zermatten & Stoecklin, 2005). Is it the case with PAS? Doubts may be expressed given the heavy influence of the AP’s reality. Despite the fact that the child’s thoughts or feelings are inculcated, they are experienced as being part of the child’s own intimate being (Biolley, 2010).

If the child is considered as a “social actor”, it implies taking into account the relation to the whole social system and more particularly the family unit. Albeit the AP, as the custodial parent, has a dominant leading role in the alienation process, the target parent has also a role to play in the triadic dynamic. The systemic theory offers insights that alienation is a familial phenomenon where the alienating parent’s dynamic aims at fragmentation, and tends to push the target parent aside (Van Gijsegheem, 2008). Similarly, Waldron and Joanis (1996) noted that for PAS to take hold, everyone must play its part. But each family member has his or her own specific motives and reasons. These ideas are consistent with Palazzoli’s works, where it is suggested that some parents might be put aside without reacting or strongly contesting this exclusion. Since every family member is engaged in the alienation process, Waldron and Joanis (1996) have noticed a certain underlying complicity from the members in the familial drama. This may reflect in the child, who keeps the conflicts between the parents functioning, by participating in the alienation process.

While Waldron and Joanis (1996) allude to the fact that it is more than tempting to place all of the responsibility for the alienation on the AP, they argued that it would be simplistic and wrong. Likewise the burden of responsibility is not to place on the child only. PAS needs also to be considered as taking place in an underhand manner in the circle of friends and family. The friends’, relatives’ or therapist’s passivity or absence of reaction works as a protective cocoon of the abnormal situation. Abnormal familial interactions request therefore to have their social environment explored.

7. Additional Perspectives

Here will be discussed the child's resourcefulness and interest will be drawn to the child's right to expression although he might be uttering lies. One major point of this section is to confront the various terminologies employed to the efficiency in meeting alienated children's needs. Propositions of interventions that seek a common destiny for the family unit will finally be explored.

7.1 The resourceful child

The child, who often has no choices but agreeing with the alienating parent's distorted vision of reality, finds himself engaged in the alienating parent's scheme, without knowing what the underlying motives truly are or to what degree his role will impact on the familial unit. As much as the alienated parent with a passive attitude plays a role in the process, the child's attitude retains this pernicious dynamic. However, another dimension deserves consideration; it is the child's reaction to protect himself when his best interest is not considered by his parents. In the midst of loyalty conflict, the child chooses one side to terminate this uncomfortable rift. Indeed, the child quickly fathoms that losing one parent is less dramatic than losing both (Ellis, 2001). Denoting a refusal to full alignment may signify wasting both relationships, therefore the child chooses sides, and eventually demonstrates his full loyalty to the alienating parent. Unconsciously the child is trapped and his manner to weaken his loyalty conflict reveals his resourcefulness.

Related to the child's technique, it could be questioned whether the other parent is genuinely hated, or if everything the preferred parent expresses is taken as truth. From Baker's research (2005 in Fidler & Bala, 2010) adult participants reported that although they protested against the visitation, they secretly longed for more contact with the parent they had learned to reject. Other children reported something missing in their childhood, such as the day-to-day interaction, the learning, the support and the love that usually flows from both parents (Cartwright, 1993). As it was demonstrated with what was called cautious conformity, the child might become aware of the lies but takes the decisions to remain allied to alienating parent. Along with protecting his own mental health, the child intends to do more: if it is not to solve the conflict, the child's altruistic attitude might aim at sparing the alienating parent an extra suffering. One may well argue that attacking the alienated parent is a way to experience

a sort of relief related to the loyalty conflict pressure (Goudard, 2008). Acknowledging that the alienated child has the power to resort to some personal coping mechanisms, he can take a stand and utter a discourse on the conflict. This particular discourse will however reflect the AP's distorted vision of reality.

7.2 The right to express inculcated stories

While the CRC strongly encourages the child's empowerment and views the child as a full actor of his life, well-able to participate and to form his own views, PAS demonstrates that the AP might manipulate the child and mould him into an accomplice of his or her scheme. This aspect is directly linked to one of the eight specific hallmarks of PAS that depicts the child as unable to express his own personal views although he strongly maintains the opposite. Gardner (1992) named it the Independent - thinker phenomenon. This facet, which has received significant focus, describes children as perfect little photocopies of the AP (Goldwater in Cartwright, 1993). It requires on the behalf of professionals to take distance from children's views and consider their words as "influenced by a suggestive context" (Goldwater, in Cartwright, 1993, p.206). Diagnosing PAS therefore leads to a specific interpretation of the child's saying, which must not be literally taken for granted (Bensussan, 2009). In fact, the alienated child's phrasing is "dramatic", "rehearsed" and lacks in detail, brittle and "more adult sounding" (Gardner, 2001, p.231). The child's words are what Gardner (2001, p.231) calls "borrowed scenarios". On the top of this, Weigel and Donovan (2006) highlight that this issue has led to several criticisms concerning the existence of the syndrome in the first place. Indeed, many controversies stemmed from Gardner's assertion that some alienated children might be borrowing stories, or even inventing ones in which they supported to have been sexually abused by the TP (Weigel & Donovan).

What befalls the child's right to expression stated in the CRC (art.12 UNCRC)? One answer may be that it does not vitiate the child's right but would request on the behalf of professionals to take appropriate distance from what is so convincingly uttered. To take distance from the child's words, by implying that he might be lying, is essential in familial contexts involving PAS. Even if the feelings towards a particular parent were induced, what the child does or says intends to confirm what has been told to it. In fact, once the child's compliance is gained, the AP can back off. The child, who has adopted this false view of reality, will on his own continue denigrating the other parent (Waldron & Joanis, 1996). In

addition to the child's words, his apparent aversion to create connection with the TP also requests particular care. It is not unlikely that it reflects the AP repetitive attitude toward the rejected parent. That is to say that the brainwashing and programming success lies in the fact that after the AP's intense encouragement, the child will appropriate the AP's distorted reality, and the feelings expressed as his own.

7.3 Meeting the child's needs

This paper has referred to many different terminologies which claimed to be the most suitable for describing this particular phenomenon and each naming gave rise to a specific definition. One may arguably support that on a judicial level, for the recognition of the phenomenon as a diagnosable entity, or for the appropriate intervention, the heated debates are of great relevance and need to be addressed. A consensus on the disorder's definition is helpful in order to replicate the diagnosis and the treatment but this general tendency to confine everything under medical labels or to find at any cost a clear-cut scientific unique term to encompass the alienation complexity, does not consider that children are in the meantime suffering.

Special emphasis should be put on the child whose world has drastically changed since the AP has initiated the alienation process. That said, the child may be faced with a judicial decision that can radically change his life and perception of it. From the parties' perspective, any court system is inherently adversarial and almost always results in poor outcomes for the parties and specifically for children. In the legal process, the child's feelings might not be directly addressed nor given priority. Blank and Ney (2006, p.141) conclude that the child's narrative is at great risk "to be silenced by the dominant legal discourse". The child's feelings are swallowed up by the judicial system. The body of evidence which confirms parental alienation covers up the child's emotion and does not take it into account. What used to be the child's reality, the strong alliance developed with one parent are destroyed and judged by external people, who may be frightening from a child's perspective

7.4 What about everyday practice?

Since PAS is far from having unanimous support in the medical, psychological or legal fields, which naming should be used for the phenomenon? It can be suggested that professionals should use the term they are more at ease with; PAS, PA or the term *alienated child*. What matters is the understanding and recognition that the child in the middle of post-divorce conflicts suffers, deserves attention and help. The alienation process must be thoroughly analyzed and understood; because what appears to be an adult-matter affect to great extent children, who may not realize which part they play. With view to provide adequate measures, professionals should uncover the underlying and problematic dynamics among family members, as well as question the roles and games in place.

7.4.1 Interventions

Intervention attempts to address the child's suffering, nevertheless, it should be stressed that rules and presumptions are "insufficient to address the variability across cases", and that successful interventions remain exceptional (Biolley, 2010; Fidler & Bala, 2010). Secondly, the eventual PAS treatment, - if one is found appropriate - does not limit itself to children, since other actors are participating in the family dynamic. Rather intervention will ask to encompass the whole family, as for example mediation therapy or family therapy. It is widely admitted that no approach can be applied universally because "family circumstances [...] have their own complex, interacting, underlying dynamics" (Waldron & Joanis, 1996, p.128). To address this issue, all members should agree, for the child's best interest, to discuss altogether.

Time, inasmuch as the child's age, is a relevant aspect to take into consideration. Time has not the power to resolve alienation or manipulation processes; in contrast it will strengthen the indoctrination (Biolley, 2010). The manipulation of time is, according to Cartwright (1993, p.209) "the prime weapon in the hands of the alienator who uses it to structure, occupy, and usurp the child's time". The more the time flies, the more the parental conflict crystallizes. That is one main reason why Fidler and Bala (2010) strongly encourage early intervention with views not only to reach reunification but to facilitate global healthy child adjustment and coping mechanisms. Intervention is intended to recall that the child

needs both of his parents, namely their support, presence and affection. It is also likely to encounter disruption not only in the family structure, but among boundaries and roles (Fidler & Bala, 2010). On the top of this, a certain family balance must be reestablished; where we devote space to the child and let the parents be concerned with grown-up matters. In particular, it is suggested that therapists must put light on the necessary distinction between the marital and filial levels. Though the family tears apart, it should for children's sake perpetuate the idea of a common familial destiny (Biolley, 2010). In brief, it is this familial homeostasis that needs to be found again.

That is one reason why any judicial decision must be coupled with an interdisciplinary team's expertise and that family therapy must be promoted. Justice alone is not sufficient, and the above-mentioned requirements to address the particular parental alienation phenomenon call for an interdisciplinary team; mental health professionals as well as social workers from youth protection services and attorneys who would collaborate altogether. . In fact, it is deemed essential that "each case of suspected PAS (is) carefully, thoroughly and collaboratively assessed" (Waldron & Joanis, 1996, p.130). In the absence of temporary court order, some children do not see their nonresident parent for weeks or months (Kelly & Emery, 2003). Judicial measures coupled with some clinical intervention and appropriate psychological support must consider children's best interest and needs as a primary consideration (Waldron & Joanis, 1996). Focus must be reestablished on the child, and the parents' personal motives should be put aside for the child's sake. One solution might be to house the child in a neutral environment

In the United States, judicial measures may surprise in Europe. When severe alienation occurs, Gardner strongly recommends drastic changes in custody; not only shared custody but exclusive custody to the TP. His measures have been firmly contested and seem arduous to implement (Hayez & Kinoo, 2005). Biolley (2010) argued that in British and American literature, there is no consensus on whether courts should impose visitation rights on the child to the rejected parent. Related to this, the need for court involvement applies not only to custody reversal, but also to individual or family therapy, reintegration therapy, parenting coordination and so on (Fidler & Bala, 2010). It appears important to mention that many, if not all, severe cases of alienation are likely to require an intrusive approach in order to successfully correct the alienation.

However, when PAS is judicially examined, it does not automatically involve taking judicial measures the TP expects. In some cases, while the children were alienated from the father, the trial court still concluded that the transfer of primary placement would not respect the children's best interest (Waldron & Joanis, 1996). Because there is the child's psychological reality to take into account, namely what the child has believed for years, changing custody, might be very detrimental to him (Van Gijsegheem, 2010). Moreover, even with the best of approaches, "the dynamics underlying PAS are resistant to an easy fix and require hard work over a long period of time" in order to provide relief to each actor in the alienation process (Waldron and Joanis, 1996, p.132). At last, it must be borne in mind that courts have a difficult task to perform, but their tendency to delay judgment in the hope that the problem will go away, is bitterly harmful to PAS children (Cartwright, 1993).

8. Concluding remarks

This paper has sought to address some of the general controversies surrounding PAS including the severe opposition faced by Gardner's label and definitions. The overall disagreements about the syndrome's legitimacy, categorization or even existence have been tackled. Then, suggestions or alternative formulations were outlined with view to fully grasp the phenomenon's complexity. Some children's rights directly affected by PAS have been listed and PAS' major developmental, psychological and sociological impacts on children were examined. It has been noted that justice delays taking measures, and is blind to the malevolent repercussions on children which worsen through time. Despite its tardiness, successful intervention is likely to request judicial measures, as well as components of both psychological and sociological domains. For a start, children's suffering must be addressed, the familial homeostasis reestablished and healthy loving relationships learned again. Finally, we have come to the conclusion that whatever term is used, the concept asks for many disciplines, and requests appropriate measures from interdisciplinary teams. In fact, mental health professionals, psychologists, social workers and even attorneys dealing with disrupted families must be acquainted with the alienation concept and acknowledge the various researches that have been conducted since more than 30 years.

It has been suggested that in adults' post-divorce conflicts, children are neglected and dragged in without their best interest considered. This domestic crime changes the child's familial environment into poisoned atmosphere. The love and protection due to the child reveal to be insane games of revenge and dangerous enmeshed relationship. The resourceful coping mechanisms – more particularly his use of borrowed scenarios – might discredit PAS in the eyes of CRC's advocates. They may assert that acknowledging PAS is equivalent to taking a step backwards with respect to the CRC's core concept of the child as a full actor of his life. Relating to Van Gijseghem's interrogation (2010) we can wonder why such a disorder that ails children or teenagers can trigger so much turmoil and breed at last so much resistance.

With view to provide additional backing aiming at the recognition of the alienation process, further researches need to be conducted on, for example, the psychosomatic consequences on the future children's lives, on PAS children who permanently lose their non-custodial parent without ever reestablishing a relationship, or on the actual PAS impacts on their future parenting skills. On the top of this, intervention, prevention, and information

ahead must be provided. At school, during seminars, the challenge is clearly to redefine what being parents really means. To recreate a parental alliance where the love bonds have been shattered constitutes a real challenge. The major benefit would be to eventually respect the child's best interest and his rights to maintain contact with both parents. Good parenting does not mean perfect parents, but rather to possess just enough sensitivity and concern to dedicate to children their own place and role in the family unit, where their needs in protection, affection and attachment are genuinely met.

9. References

- Andreoli, A. (2010). Le syndrome de Médée, parcours sadique de la perte d'amour. *Revue médicale suisse*, 236 (6), 340-342.
- Aronson, E. (1997). Back to the future : retrospective review of Leon Festinger's a theory of cognitive dissonance. *American Journal of Psychology*, 110 (1), 127-157
- Arrêt CourEdh. *Affaire Koudelka c. République Tchèque* du 20 juillet 2006. 1633/05.
- Bala, N. & Fidler B.J. (2010). Children resisting postseparation contact with a parent: concepts, controversies, and conundrums. *Family Court Review*, 48 (1), 10-47.
- Baker, J.E. (1997). Assessing and managing allegations of child sexual abuse. An Australian Perspective. *Family and Conciliation Court Review*, 35, 293-299.
- Baker, J.E. (2005). The long-term effects of parental alienation on adult children: a qualitative research study. *The American Journal of Family Therapy*, 33, 289-302.
- Baker, A.J.L (2006). Patterns of parental alienation syndrome: a qualitative study of adults who were alienated from a parent as a child. *The American Journal of Family Therapy*, 34, 63-78.
- Baker, A.J.L, Darnall, D.C. (2007). A construct study of eight symptoms of severe parental alienation syndrome: a survey of parental experiences. *Journal of Divorce & Remarriage*, 47 (1/2), 55-75.
- Baker, A.J.L. & Andre, K. (2008). Working with alienated children and their targeted parents: suggestions for sound practices for mental health professionals. *Annals of the American Psychotherapy Association*, 11 (2): 10.
- Blank, G.K. & Ney, T. (2006). The (de)construction of conflict in divorce litigation: a discursive critique of "parental alienation syndrome" and "the alienated child". *Family Court Review*, 44 (1), 135-148.
- Bem, D.J. (1967). Self-perception: an alternative interpretation of cognitive dissonance phenomena. *Psychological Review*, 74 (3), 183-200
- Bensussan, P. (2009). Parental alienation: Towards the end of the denial? *Annales Médico-Psychologiques*, 167, 409-415.
- Biolley, J. (2010). *Enfant libre ou enfant otage? Comment protéger l'enfant après la séparation de ses parents. Les Liens qui libèrent : Mayenne.*

- Briefings in Medical Ethics: The U.N. Convention on the Rights of the Child. *Journal of Medical Ethics* 1991: (17), 1-4.
- Cartwright, G.F.(1993). Expanding the parameters of parental alienation syndrome. *The American Journal of Family Therapy*, 22 (3), 205-215.
- Darbellay, F. (2005). *Interdisciplinarité et transdisciplinarité en Analyse des Discours. Complexité des textes, intertextualité et transtextualité*. Genève: Éditions Slatkine.
- Delfieu, J-M. (2005). Syndrome d'aliénation parentale. Diagnostic et prise en charge médico-juridique. *Experts*, 67, 24-30.
- Ellis, E. M. (2001). *Divorce wars: Intervention with families in conflict*. Washington, DC : American Psychological Association.
- Gagné, M-H. Drapeau, S. & Hénault, R. (2005). L'aliénation parentale: un bilan des connaissances et des controverses. *Canadian Psychology*, 46 (2), 73-87.
- Garber, B.D. (2004). Therapist Alienation: foreseeing and forestalling third-party dynamics undermining psychotherapy with children of conflicted caregivers. *Professional Psychology: Research and Practice*, 35 (4), 375-363.
- Gardner, R. A. (1999). Family therapy of the moderate type of parental alienation syndrome. *The American Journal of Family Therapy*, 27: 195-212.
- Gardner, R.A. (2002). Parental alienation syndrome vs. Parental alienation: which diagnostic should evaluators use in child-custody disputes? *The American Journal of Family Therapy*, 30 (2), 93-115.
- Gardner, R.A. (2003). Does DSM-IV have equivalents for the parental alienation syndrome (PAS) diagnosis? *The American Journal of Family Therapy*, 31, 1-21.
- Goudard, B. (2008). *Le syndrome d'aliénation parentale*. Published doctoral thesis. Université Claude Bernard Lyon1, France.
- Hayez J-Y. & Kinoo,P. (2005). Aliénation parentale: un concept à haut risque. *Neuropsychiatrie de l'enfance et de l'adolescence*, 53, 157-165.
- Kelly, J.B. (2010). Commentary on "Family Brigde: using insights from social science to reconnect parents and alienated children" (Warshak, 2010). *Family Court Review*, 48 (1), 48-80.
- Kelly, J.B. & Johnston, J.R. (2001). A reformulation of parental alienation syndrome. *Family Court Review*, 39 (3), 249-266.

- Kelly, J.B & Emery, R.E. (2003). Children's adjustment following divorce: risk and resilience perspective. *Family Relations*, 52, 352-362.
- Klass, J L. & Klass, J. V. (2005). Threatened mother syndrome (TMS). A diverging concept of parental alienation syndrome (PAS). *American Journal of Family Law*, 18 (4), 189-191.
- Knapp, J.V. (1997). *Family systems psychotherapy, literary character, and literature: an introduction*. Family Systemy Psychotherapy and Literature/ Literary Criticism, 1-29.
- Poussin, G. Martin-Lebrun, E. (1997). *Les enfants du divorce. Psychologie de la séparation parentale*. Paris: DUNOD.
- Rueda, C.A. (2004). An inter-rater reliability study of parental alienation syndrome. *The American Journal of Family Therapy*, 32, 391-403.
- Selvini-Palazzoli, M. (1990). Vers un modèle général des jeux psychotiques dans la famille. *Journal of Marital and Family Therapy*, 12 (4).
- Steinberger, C. (2006). Father? What Father ? Parental alienation and its effect on children, *Law Guardian Reporter*, 26 (3).
- Steinberger, C. (2006). Father? What Father ? parental alienation and its effect on children, *Law Guardian Reporter*, 26 (4).
- Trémintin, J. (2005). Reconnaître l'existence de l'aliénation parentale. Interview de Van Gijseghem. *Lien Social*, (739), 1-5.
- Turkat I.D. (1995). Divorce-related malicious mother syndrome. *Journal of Family Violence*, 10, 253-264.
- Turkat I.D (2005). False allegations of parental alienation. *American Journal of Family Law*, 19 (1), 15-19.
- UN Convention on the Rights of the Child. (1989). United Nations. Retrieved March 12, 2011, from the World Wide Web: <http://www2.ohchr.org/english/law/crc.htm>
- Van Gijseghem, H. (2005). L'aliénation parentale : points controversés. *Divorce et Séparation*, 3, 19-27.
- Van Gijseghem, H., & Lamontagne, P. (2008). L'aliénation parentale. Comment intervenir? In: *J.E Vanderheyden (Ed.) Approcher le divorce conflictuel*. Namur: Éditions Feuilles Familiales : 136-143.

- Van Gijseghem, H. (2010). L'irréductible résistance au concept d'aliénation parentale. *Revue de psychoéducation*, 39 (1), 85-99.
- Von Boch-Galhau W. and Kodjoe, U. (2005.). Syndrome d'aliénation parentale: une forme de maltraitance psychologique des enfants en cas de séparation ou de divorce conflictuel des parents. *Divorce et Séparation*, 3, 91-115.
- Waldron, K.H. & Joanis, D.E. (1996). Understanding and collaboratively treating parental alienation syndrome. *American Journal of Family Law*, 10, 121-133
- Weigel, D.J & Donovan, K.A. (2006). Parental alienation syndrome: diagnostic and triadic perspectives. *The Family Journal: Counseling and therapy for couples and families*, 14 (3), 274-282.
- Zermatten, J. & Stoecklin, D. (2009). *Le droit des enfants de participer. Norme juridique et réalité pratique: contribution à un nouveau contrat social*. IUKB& IDE.

Appendix A: Detection of PAS

While motivational factors underlying PAS differ according to the family, professionals may be able to spot some PAS detectable typical patterns. They are listed by Waldron and Joanis (1996, p.126) as the following:

1. *Contradictions*: This is relevant especially when the child's own statements are contradictory, or they contradict factual history or the perceptions of unbiased individuals;
2. *Child has inappropriate and unnecessary information* (e.g., "My dad had an affair while my mom was in the hospital having me", "My mom wanted me aborted");
3. *Child engages in character assault*: This can include the use of globally negative descriptions for which the child has trouble coming up with specifics sufficient to justify them;
4. *Collusion and one-sided alliance with the AP*: This is often given away by the use of blended pronouns (e.g., "When my dad left us...", or, "We don't have enough money to live on");
5. *Child parrots themes of the AP*, even using the same words – the child's identity becomes enmeshed with that of the AP;
6. *Child reports on the TP*, even to professionals, the way a spy would;
7. *Child displays a sense of urgency and fragility*: Everything seems to have life – and – death importance (e.g., "If you make me have dinner with him, I'll run away or kill myself");
8. *Child's affiliations*: with the TP's associates and family change;
9. *Splitting*: The child cannot come up with any positives about the TP nor with any negatives about the AP;
10. *Marked absence of complex thinking about relationship*: Splitting is one example, and simplistic characterizations of the parents (e.g., "My mom is the homebody and my dad is the entertainer") are another;
11. *Child demonstrates a feeling of restriction* in permission to love or to be loved.

Appendix B: European Court of Human Right

Arrêt de l'affaire Koudelky C. République Tchèque (Requête n° 1633/05). Strasbourg, juillet 2006

2. Appréciation de la Cour

62. En l'occurrence, la Cour observe que le droit de visite a été accordé au requérant par les décisions des 24 octobre 1995 et 28 mars 1996 et qu'il est toujours en vigueur, même si une procédure portant sur sa suppression, engagée par E.P., est actuellement en cours. Il est également important de noter que dès 1995, les experts ont attiré l'attention sur l'attitude négative de la mère et sur le fait que le droit de visite ne pouvait pas être réalisé sans sa coopération (paragraphe 10 ci-dessus) ; les rapports ultérieurs ont relevé chez l'enfant sa fixation pathologique à la mère et le syndrome d'aliénation parentale (paragraphe 35 ci-dessus). Il était donc plus qu'évident que le passage du temps avait en l'espèce des conséquences défavorables pour le requérant.

63. Il convient de rappeler ici que dans une affaire de ce genre, le caractère adéquat d'une mesure se juge à la rapidité de sa mise en oeuvre (*Maire c. Portugal*, n° 48206/99, § 74, CEDH 2003-VII) ; il ressort par ailleurs du droit tchèque que, en matière de l'exécution des droits de garde et de visite, les tribunaux sont tenus d'agir sans délais inutiles et sans même que les parties le demandent.